

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 13934 Permit 9156 License 4597

ORDER AMENDING LICENSE

WHEREAS:

1. License 4597 was issued to L.S. Bambauer and Winifred W. Bambauer and recorded at the office of the Mono County Recorder on April 25, 1957.
2. License 4597 was subsequently assigned to Meadow Ranch, Inc., and Donald F. Bauman.
3. License 4597 confers upon Meadow Ranch, Inc., and Donald F. Bauman an appropriative right to use water from Witcher Cabin Creek and Cain Creek, both tributary to Rock Creek thence Owens River in Mono County.
4. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
5. The License was issued without referencing compliance with Section 5937.
6. Since amendment of License 4597 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: - **JUNE 16 1997**


Walt Pettit
Executive Director

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13934

PERMIT 9156

LICENSE 4597

ORDER ALLOWING THE ADDITION OF A POINT
OF DIVERSION AND AMENDING THE LICENSE

WHEREAS:

1. License 4597 was issued to L. S. Bambauer and Winifred W. Bambauer and was filed with the County Recorder of Mono County on April 25, 1957.
2. License 4597 was subsequently assigned to Meadow Ranch Corporation, and Denny Wilcher and Ida Wilcher.
3. A petition to add a point of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The license condition pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:
 1. North 51° 46' West, 11,009 feet from the SE corner of projected Section 14, T5S, R30E, MDB&M, being within the NE¼ of SW¼ of projected Section 10, T5S, R30E, MDB&M. Also described as California Coordinate System, Zone 3 North 378,300 and East 2,531,000.
 2. North 44° 30' West, 9,400 feet from SE corner of projected Section 14, T5S, R30E, MDB&M, being within the NE¼ of SE¼ of projected Section 10, T5S, R30E, MDB&M. Also described as California Coordinate System, Zone 3 North 378,500 and East 2,532,800.
 3. North 750 feet and East 1,400 feet from SW corner of Section 11, T5S, R30E, MDB&M, being within the SW¼ of SW¼ of said Section 11. Also described as California Coordinate System, Zone 3 North 378,200 and East 2,535,200.

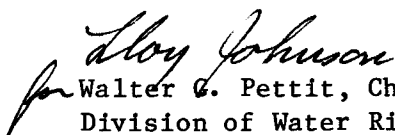
2. The continuing authority provision in this license be amended to contain Title 23, California Code of Regulations, Section 780(a):

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: JULY 29 1988


Walter G. Pettit, Chief
Division of Water Rights

4



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13934

PERMIT 9156

LICENSE 4597

THIS IS TO CERTIFY, That L. S. Bambauer and Winifred W. Bambauer
Bishop, California

Notice of Change (Over)

have made proof as of July 16, 1955
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
(1) Witcher Cabin Creek and (2) Cain Creek in Mono County

tributary to Rock Creek and Owens River

for the purpose of domestic and irrigation uses

under Permit 9156 of the State Water Rights Board and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from September 5, 1950; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed thirty-five hundredths (0.35) cubic foot per second to be diverted from about April 1 to about June 1 and from about October 1 to about November 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are located

- (1) north fifty-one degrees forty-six minutes west (N 51° 46' W) eleven thousand nine (11,009) feet from SE corner of projected Section 14, T 5 S, R 30 E, MDB&M, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 10, T 5 S, R 30 E, MDB&M.
- (2) north forty-four degrees thirty minutes west (N 44° 30' W) nine thousand four hundred (9,400) feet from SE corner of projected Section 14, T 5 S, R 30 E, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 10, T 5 S, R 30 E, MDB&M.

A description of the lands or the place where such water is put to beneficial use is as follows:

7 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 14, T 5 S, R 30 E, MDB&M.
10 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 14, T 5 S, R 30 E, MDB&M.
15 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 14, T 5 S, R 30 E, MDB&M.
20 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 14, T 5 S, R 30 E, MDB&M.
10 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 14, T 5 S, R 30 E, MDB&M.
62 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

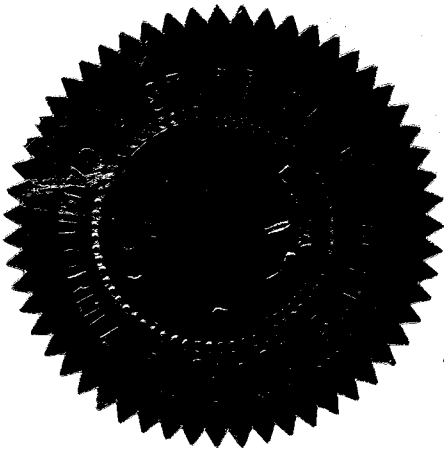
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: APR 24 1957.

STATE WATER RIGHTS BOARD

By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer



5-23-62 RECEIVED NOTICE OF ASSIGNMENT TO Partial
Lucille Bergum, Donald Bauman, Evelyn Bauman,
David Stewart, Joan Stewart, Glyn Price and
Barbara Price

12/8/67 RECEIVED NOTICE OF ASSIGNMENT TO of L.S. Winifred Bambauer to
Penny & Denny Wilcher;

1-9-74 Let. of J. A. & Lucille Bergum, Donald
+ Evelyn Bauman, David + Joan
Stewart + Glyn + Barbara Price
asgd to Meadow Ranch, Inc.

10/19/94 Not. of Assgn: (Partial)
App#19934 Lic#4597
Meadow Ranch Corp. & Denny Wilcher II

LICENSE 4597
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO L. S. Bambauer and
Winifred W. Bambauer

DATED APR 24 1957